

FILED

DEC 01 2005

Price v. McDonald's Corp., No. 04-55261

FERNANDEZ, Circuit Judge, Dissenting

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

I concur in the determination that Price's case for race discrimination could not survive summary judgment. I cannot agree that there was evidence from which a reasonable jury could find retaliation in the one-week suspension for what amounted to a clear violation of a McDonald's labor policy of which Price was well aware.

Thus, I respectfully concur in part and dissent in part.